

(b) *When to file.* Each member or employee required to file a Statement of Employment and Financial Interest shall file such a Statement with the Ethics Counselor at the time of entrance on duty as a new member or employee, or within thirty days after the Ethics Counselor notifies a member or employee of the need to file such a Statement.

(c) *Members who have filed elsewhere.* A member who has filed a Statement of Employment and Financial Interest under 2 U.S.C. 701, *et seq.* or 5 U.S.C. App. sec. 201, *et seq.*, may satisfy these regulations by submitting that Statement to the Ethics Counselor.

(d) *What to report.* (1) Statements of Employment and Financial Interest shall be made on Department of the Interior forms DI-212 and DI-213, unless otherwise specified in these regulations. Employees and Federal members shall use form DI-212 and all private members shall use form DI-213. The Executive Director shall use SF 278. Federal members who have filed SF 278 or another equivalent form may use those forms. Forms DI-212, DI-213 and SF 278 are available from the Ethics Counselor.

(2) Members and employees shall disclose all employment, outside activities or financial interests that relate to, or appear to relate to, the member's or employee's work at the Council.

(3) Members and employees must file a supplementary Statement of Employment and Financial Interests if pertinent information arises or is discovered after any Statement is filed.

(4) If any information required to be included on a Statement of Employment and Financial Interests or supplementary Statement is not known to the member or employee but is known to another person, the member or the employee shall request that other person to submit to the Ethics Counselor information on the member's or employee's behalf.

(e) *Confidentiality of member's and employee's statements.* (1) Except for Statements filed pursuant to 2 U.S.C. 701, *et seq.*, or 5 U.S.C. App. 201, *et seq.*, and submitted to the Council under paragraph (c) of this section, and except for the Statement of the Executive Director, each Statement of Employment

and Financial Interest will be held in confidence. The Ethics Counselor is responsible for maintaining the Statements in strict confidence. Members and employees having access to Statements shall not allow information to be disclosed from Statements except to those individuals who must have access in order to carry out responsibilities assigned by these regulations or specific law.

(2) Statements of Employment and Financial Interest will be retained by the Ethics Counselor. All Statements shall be destroyed two years after a member or employee leaves a position in which a Statement is required or two years after the member or employee leaves the Council, whichever is earlier.

§ 811.8 Review and analysis of statements.

(a) *Review by Ethics Counselor.* Each Statement of Employment and Financial Statement shall be reviewed by the Ethics Counselor to ensure that the member or employee is in compliance with these regulations. The Ethics Counselor will exercise judgment and reasonableness in reviewing Statements, but will be alert to potential, actual, or apparent conflicts which may be indicated.

(b) *Determination of conflict and referral for resolution.* If a member's or employee's Statement of Employment and Financial Interest reflects a potential, actual, or apparent conflict, the Ethics Counselor shall endeavor to resolve the matter informally with the member or employee. If a member's conflict cannot be resolved, the Ethics Counselor shall refer the member's Statement and a report of efforts made to determine and resolve the conflict to the Chairman of the Council for appropriate action. If an employee's conflict cannot be resolved, the Ethics Counselor shall refer the employee's Statement and a report of efforts made to determine and resolve the conflict to the Executive Director for appropriate action.

(c) *Opportunity to provide information.* At all stages in the review process,

members and employees shall be provided full opportunity to offer information and explanation prior to any final determination.

§ 811.9 Procedures for resolving conflicts of interest—members.

(a) *Remedial action.* (1) Members shall disqualify themselves from participating in any Council proceeding involving any matter in which they have a potential, actual, or apparent conflict of interest. In lieu of disqualification, members may divest themselves of the interest, establish a blind trust, or otherwise eliminate the conflict of interest.

(2) Members with unresolved conflicts of interest may be disqualified by the Chairman.

(b) *Chairman's authority.* The Chairman of the Council is authorized to take whatever remedial action authorized by these regulations that is appropriate to protect the integrity of the Council.

§ 811.10 Procedures for resolving conflicts of interest—employees.

(a) *Remedial action.* Violations of these regulations by an employee may be cause for mandatory remedial action. If the Executive Director decides that remedial action is required, the Executive Director shall initiate immediate action to eliminate the conflict or apparent conflict of interest within a reasonable time. Remedial action may include reassignment or restriction of the employee, divestiture of the interest, establishment of a blind trust, or other means by which the conflict or apparent conflict is eliminated.

(b) *Disciplinary action.* Employees who refuse to comply with an order for remedial action shall be considered to be in violation of these regulations and may be subject to disciplinary action, including suspension or removal from their positions.

(c) *The Executive Director's authority and decision.* The Executive Director is authorized to order resolution of conflict of interest situations and the Executive Director's decision regarding remedial action shall be final.

§ 811.11 Definitions.

(a) *Apparent conflict.* A situation where a reasonable member of the public could suppose a member or employee to be in conflict, even though the member or employee might not be.

(b) *Conflict or actual conflict.* A situation where a member's or employee's duties or responsibilities at the Council are or will be affected or influenced by the member's or employee's financial interest or outside employment of activities.

(c) *Direct interest.* Ownership or part ownership of lands, stocks, bonds, or other holdings by a member or employee in the member's or employee's name. Direct interest includes the holdings of a spouse and minor child and the holdings of other relatives, including in-laws, who live in the member's or employee's home.

(d) *Indirect interest.* Ownership or part ownership of land, stocks, bonds, or other holdings by a member or employee in the name of another person where the member or employee reaps the benefits of the ownership. An indirect interest is considered to be a direct interest for purposes of these regulations.

(e) *Outside work and activities.* All gainful employment and other activities other than the performance of official duties.

(f) *Potential conflict.* A situation where a conflict or an apparent conflict is likely to occur in the future.

PART 812—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

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